

1602 103
PATENT

ATTORNEY DOCKET NO. CGNE.099.03US

SECTOR 15

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Knauf *et al.*

Serial No.: 09/232,861

Filed: January 15, 1999

For: METHODS AND COMPOSITION FOR
REGULATED TRANSCRIPTION AND
EXPRESSION OF HETEROLOGOUS
GENES

) Examiner: Not Yet Assigned
)
) Art Unit: 1649
)
) **RESPONSE TO NOTICE TO FILE**
) **MISSING PARTS OF**
) **APPLICATION**
)
)



BOX MISSING PARTS

Assistant Commissioner for Patents
Washington, D.C. 20231

MAY 24 1999
... CUSTOMER
SERVICE CENTER
SERVICE CENTER

Sir:

Submitted herein is a response to the Notice to File Missing Parts of Application filed February 11, 1999. The Notice indicates that the application was filed lacking several fees including the statutory basic filing fee and fees for extra claims. Applicants are submitting herewith a copy of the application transmittal showing that the total fee that was calculated to be paid was \$1,728. A copy of the cancelled check that was submitted for that amount (Check No. 8227) also is enclosed. As shown on the attached transmittal, the fee that was calculated included the following:

Basic filing fee:	\$ 760
23 additional claims over 20 (x \$22)	\$ 396
4 additional independent claims (x \$82)	\$ 312
Multiple independent claims	\$ <u>260</u>
Total:	\$1,728

00000040 09232861
05/18/1999 SARAYA
01 FC:115

CERTIFICATE OF FIRST-CLASS MAILING

I hereby certify that this paper or fee is being deposited with the United States Postal Service as first-class mail in an envelope addressed to the Assistant Commissioner for Patents and Trademarks, Washington, D.C. 20231 on 5-10-99
(Date)

Signature: Maureen Foster

Printed Name: Maureen Foster

Applicants agree that 24 additional claims over 20 were submitted in the original application, yet a fee for only 23 was submitted erroneously. This inadvertent underpayment was the result of a clerical error and was not intentional. Submitted herewith is a check for the additional \$18 to pay the unpaid fee for the one additional claim.

The Notice to File Missing Parts states that "If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or ✓ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment." As filed, the Notice to File Missing Parts contains checks for only items one and two. As described above, the basic filing fee (item 1) was properly paid. Therefore, item 1 was checked erroneously. On the grounds that none of items 1 or 3-5 were properly checked, Applicants have not paid the \$130 surcharge.

Also enclosed are:

- [] An executed Declaration and Power of Attorney along with:
 - [] A copy of the above-identified application as originally filed.
 - [] surcharge for large entity \$130.00
 - [] surcharge for a small entity \$ 65.00
 - Total Surcharge..... \$ _____**
- [X] Additional claim fees: \$ 18.00
- [] Executed Assignments(s) for recordation and the recording fee of \$40.00 per assignment. \$ _____
- [] An executed Verified Statement Claiming Small Entity Status.
- [] Applicant requests that a refund of one-half of the filing fee be credited to Deposit Account No. 18-0020 as the enclosed Verified Statement Claiming Small Entity Status is being filed within two months of the payment of the filing fee.
- [X] A copy of the Notice to File Missing Parts of Application.
- [X] A Petition for Extension of Time (1 month).
- [X] Return postcard (postage prepaid).

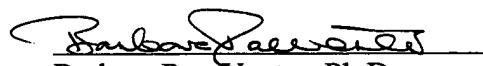
<u>Extension of Time Fee</u>	<u>Small Entity</u>	<u>Large Entity</u>
[X] One Month	\$ 55	\$ 110
[] Two Months	\$190	\$ 380
[] Three Months	\$435	\$ 870
[] Four Months	\$680	\$1360
[] Five Months	\$925	\$1850

Extension of Time Fee \$110.00

TOTAL FEES: \$128.00

- [X] A check including the amount of the above-indicated TOTAL FEES is attached.
- [] Please charge Deposit Account No. 18-0020 in the amount of \$.
- [] No fee is required.
- [X] Conditional Petition for Extension of Time: An extension of time is requested in the present and/or the above-referenced parent application to provide for timely filing if an extension of time is still required after all papers filed with this transmittal have been considered.
- [X] The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication, including any necessary fees for extension of time, or credit any overpayment to Deposit Account No. 18-0020.
- [X] Any filing fees under 37 CFR 1.16 including fees for the presentation of extra claims.
- [X] Any parent application processing fees under 37 CFR 1.17.
- [X] A duplicate copy of this sheet is attached for accounting purposes.

Dated: April 14, 1999


 Barbara Rae-Venter, Ph.D.
 Reg. No. 32,750

Rae-Venter Law Group, P.C.
 P.O. Box 60039
 Palo Alto, CA 94306
 Telephone: (650) 328-4400
 Facsimile: (650) 328-4477
 BRV:mef – Encls.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Knauf *et al*
Serial No.: Not Yet Assigned

Filed:

Title: METHODS AND COMPOSITIONS FOR REGULATED TRANSCRIPTION
AND EXPRESSION OF HETEROLOGOUS GENES

Docket No: CGNE.099.03US

Examiner: Not Yet Assigned
Art Unit: Not Yet Assigned

MAY 14 1999

BOX PATENT APPLICATION

Commissioner for Patents and Trademarks
Washington, D.C.

EL082499174US

Sir:

This is a request for filing a patent application under 37 CFR § 1.53(b) in the name of
inventors: Vic C. Knauf and Jean C. Kridi

For: METHODS AND COMPOSITIONS FOR REGULATED TRANSCRIPTION
AND EXPRESSION OF HETEROLOGOUS GENES

This application is a [X] Continuation [] Divisional [] Continuation-in-part
of USSN 08/812,665 filed on March 7, 1997.

Application Elements:

87 Pages of Specification, Claims and Abstract

40 Sheets of [X] formal [] informal Drawings

[X] Declaration

[] Newly executed (original or copy)

[X] Copy from prior application (37 CFR 1.63(d) for a continuation or
divisional).

The entire disclosure of the prior application from which a copy of the
declaration is herein supplied is considered as being part of the disclosure

CERTIFICATE OF EXPRESS MAILING

"Express Mail" Label No.: EL082499174US

Date of Deposit: 1-15-99

I hereby certify under 37 C.F.R. 1.10 that this correspondence is
being deposited with the United States Postal Service as "Express
Mail Post Office to Addressee" with sufficient postage on the date
indicated above and is addressed to the Commissioner of Patents
and Trademarks, Washington, D.C., 20231.

maian to or

(Signature) maian fo st sd

(Printed Name)

of the accompanying application and is hereby incorporated by reference therein.

Deletion of inventors Signed statement attached deleting inventor(s) named in the prior application, *see* CFR 1.63(d)(2) and 1.33(b).

Accompanying Application Parts:

Assignment and Assignment Recordation Cover Sheet (recording fee of \$40.00 enclosed)

Power of Attorney

37 CFR 3.73(b) Statement by Assignee

Information Disclosure Statement with Form 1449

Copies of IDS Citations

Preliminary Amendment

Return Receipt Postcard

Small Entity Statement(s)

Statement filed in prior application.

Status still proper and desired.

Other:

Copy of Assignment recorded in prior application to Calgene, Inc (now Calgene, LLC)

Copies of Power of Attorney and Revocation and Appointment of New Power of Attorney filed in prior application

Claim For Foreign Priority

Priority of _____ Application No. _____ filed on _____ is claimed under 35 U.S.C. § 119

The certified copy has been filed in prior application U.S. Application No. _____

the certified copy will follow.

Extension of Time for Prior Pending Application

A Petition for Extension of Time is being concurrently filed in the prior pending application. A copy of the Petition for Extension of Time is attached.

Amendments

Amend the specification by inserting before the first line the sentence:

Continuation Continuation-in-part Divisional

International Application _____ filed on _____, which designated the United States, disclosure of which is incorporated herein by reference."

Cancel in this application original claims 1-16 of the prior application before calculating the filing fee.

Fee Calculation (37 CFR § 1.16)

				<u>Small Entity</u>		<u>Large Entity</u>	
<u>Basic Fee</u>				\$380		\$760	
<u>Claims Fee</u>	No. of Claims Remained after Amend	No. Claims Included In <u>Basic Fee</u>	Pres. Extra	Rate	Fee	Rate	Fee
Total:	43	20	23	x \$11 =	\$0-	x \$22 =	\$396
Indep:	7	3	4	x \$41 =	\$00	x \$82 =	\$312
[X] Multiple dependent claims				\$130		\$260	
Total Filing Fee:				\$1728.00			

TOTAL FEES: \$1728.00

- A check including the amount of the above-indicated TOTAL FEES is attached.
- Please charge Deposit Account No.18-0020 in the amount of \$.
- A check in the amount of \$1,728.00 is attached.
- No fee is required.
- Conditional Petition for Extension of Time: An extension of time is requested in the present and/or the above-referenced parent application to provide for timely filing if an extension of time is still required after all papers filed with this transmittal have been considered.
- The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication, including any necessary fees for extension of time, or credit any overpayment to Deposit Account No. 18-0020.
- Any filing fees under 37 CFR 1.16 including fees for the presentation of extra claims.
- Any parent application processing fees under 37 CFR 1.17.

[X] A duplicate copy of this sheet is attached for accounting purposes.

Respectfully submitted,

Dated: January 15, 1999

By: Barbara Venter
Barbara Rae-Venter, Ph.D.
Reg. No. 32,750

Rae-Venter Law Group, P.C.
P.O. Box 60039
Palo Alto, California 94306
Telephone: (650) 328-4400
Facsimile: (650) 328-4477

BRV